IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 16858 of 2004

Between:
G.Mallaiah, S/o Muthaiah,
r/o Sarampalli Village, Sircilla Mandal, Karimnagar District

... PETITIONER

AND

1 The Mandal Revenue Officer, Sircilla , Karimnagar District.
2 The Revenue Divisional Officer, Sircilla , Karimnagar District.
3 The District Collector, Karimnagar District at Karimnagar.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ or Writs, order or Direction declaring the action of the Respondents in seeking to assign the land of the petitioner to an extent of 2.20 acres in Sy.No. 447 of Sarampalli village, Sircilla Mandal, Karimnagar District, as otherwise than in due process of law, as illegal, arbitrary and without jurisdiction; Award costs.

Counsel for the Petitioner: MR.H.VENUGOPAL

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Petitioners filed the present Writ Petition on the newspaper item said to have been reported in *Vaartha* dated 26-08-2004 wherein it was stated that the land in Sy.No.447 of Sarampalli village would be assigned to the landless poor as house site pattas. It is stated that an extent of Ac.2.20 cents in Sy.No.447 of the said village was granted to the petitioner under L.Dis.No.B/2737/1986, dated 12-10-1988. Since then, he is in possession of the property. If that were the case, it cannot be presumed that the respondents without cancelling the patta granted to the petitioner will take possession of the property from the petitioner for the purpose of granting house site pattas. No mandamus can be issued on mere newspaper item, unless any notice is issued which authorities are bound to issue before cancellation.

2. As and when respondents initiate proceedings for cancellation of the patta in favour of the petitioner, petitioner is at liberty to challenge the same before the appropriate Court.

The Writ Petition is without merit and it is accordingly dismissed. No costs.

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A. GOPAL REDDY, J

September 20, 2004

MRR

To:

1 The Mandal Revenue Officer, Sircilla , Karimnagar District.
2 The Revenue Divisional Officer, Sircilla , Karimnagar District.
3 The District Collector, Karimnagar District at Karimnagar.
4 Two C.C.s to the G.P for Revenue, High Court Buildings, Hyderabad (OUT).
5 Two C.D. Copies.